



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending December 19, 1998

QuanTech, Inc. v. DOC—GAO B-281454

Catherine Shea filed the Agency Report in this GAO protest. Protester contends that the agency violated CICA by failing to evaluate its proposal in accordance with the solicitation and that the agency failed to provide QuanTech with solicitation materials.

Eastern Technical Enterprises v. U.S. et al.(EDNY)CV98-6946-CV98-7237

Ken Lechter is scheduled to travel to New York next week with EASC contracting and Atlantic Marine Center program personnel to brief the Chief of the Admiralty Division of the Justice Department regarding these two cases. Our initial analysis indicates that one of these suits (which are appeals from two contracting officer's final decisions) may be subject to a motion to dismiss for failure to exhaust administrative remedies.

TSI

Along with NOAA Congressional Affairs and the SARSAT program office, we met with an aide to Congressman Hoyer who was concerned that NOAA had unduly delayed paying protest costs to TSI on the first of its several protests, and that NOAA had not exercised the best business judgment by continuing with its § 8(a) procurement rather than purchase TSI's system. We explained that there had been difficulties in locating funds and that responding to the continuing series of protests had diverted the program office. We further explained as to why we believe the GAO decisions on the protest were in error. (Jerry Walz, Mark Langstein & Amy Freeman)

CONOPS—Radiosondes

Providing counsel and advice to Team Leader, Richard Thomas, regarding changes requested by Jack Kelly/NOAA on 11/25/98. (Edward Weber and Mark Langstein)

Envirofit v. DOC—GSBCA 14743-COM

Ken Lechter will be traveling to Norfolk, Virginia this week to take the deposition of the principal of the Appellant. As all relevant documents have been exchanged on a voluntary basis, it is anticipated that this would conclude the Government's discovery.

Hughes STX Corporation v. DoC—GSBCA 14296-COM

Awaiting Appellant's response to our reply to the Appellant's Motion to Strike (filed with GSBCA 11/23/98. The Board (Judge Williams) has scheduled a telephone hearing for 1/13/98. (Fred Kopatich and Edward Weber).

CLDP

Terry Lee returned from Egypt on December 12, 1998, after an exciting and inspiring sojourn. Terry believes that a great deal was accomplished relative to the Egyptian procurement laws and regulations, but that much remains to be done.

ADR

Catherine Shea attended the Procurement and Government Contracts subsection of the DOJ ADR Interagency Working Group. The Group is sponsoring subgroups to assist agencies in developing ADR programs, developing case procedures, initiating mentoring programs and accessing neutrals. Catherine will participate in the developing of ADR programs subgroup.

CLD "Time to Complete"—4.2 Days

Actions by Contract Law Division during Period

Bureau	Received	Completed
CENSUS	1	1
NIST	5	5
NOAA	8	5
Total	14	11

**Contract Law Division—Client Workload
Period Ending 12/19/98**

